# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/842,801 | 04/27/2001 | Laurent Baretzki | 206483US2X | 2836 |

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| 22850          7590          03/19/2007 | EXAMINER |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. | NGUYEN, HAI V |
| 1940 DUKE STREET | |
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| 2142 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | NOTIFICATION DATE | DELIVERY MODE |
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| 3 MONTHS | 03/19/2007 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/19/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 10/06)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/842,801 | BARETZKI, LAURENT |
| | Examiner | Art Unit | |
| | Hai V. Nguyen | 2142 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *12 February 2007*.

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *17-26 and 28-44* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *17-26 and 28-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *  c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

1.      This Office Action is in response to the communication received on 12 February

2007.

2.      Claims 1-16, 27 were cancelled.

3.      Claims 17-26 and 28-44 are presented for examination.

### Response to Arguments

4.      Applicant's arguments, see Applicant's remarks on pages 2-6, filed 12 February

2007 with respect to the rejection(s) of claim(s) 17 and 39 under 35 USC 102 and 103

rejections have been fully considered and are persuasive.  Therefore, the rejection has

been withdrawn.  However, upon further consideration, a new ground(s) of rejection is

made in view of Gomez US patent # 6,330,221 B1, Moore US patent # 5,475,846.

### Claim Rejections - 35 USC § 102

5.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.      Claims 17-21, 39, 40-41 and 43-44 are rejected under 35 U.S.C. 102(e) as being

anticipated by **Gomez** US patent # **6,330,221 B1**.

7.      As to claim 17, Gomez discloses a redundant routing system, comprising:

a first routing unit configured to manage input and output data *(Fig. 2, feature card 46A; col. 3, lines 19-38)*;

a second routing unit configured to manage input and output data *(Fig. 2, feature card 46B; col. 3, lines 39-52)*;

a network interface connecting said first and second routing units *(Fig. 2, CT3; col. 3, lines 53-67)*;

a standby bus interface connecting said first and second routing units to each other *(Fig. 2, backplane 30, col. 3, lines 19-38)*;

wherein, when said first routing unit is managing said input and output data, said second routing unit is configured to detect a failure of said first routing unit by monitoring both the network *(Fig. 1, LAN/WAN 32)* and standby bus interfaces *(a processor 42A monitors the functional elements in feature card 42A for failures, col. 3, lines 37-38)* using messages *(signals)* sent over both the network and the standby bus interfaces *(Fig. 2, col. 3, lines 19-38)*;

wherein, said second routing unit is configured to deactivate *(disconnecting)* said first routing unit so that said first routing unit no longer manages said input and output data and said second routing unit is further configured to start managing said input and output *(Fig. 2, col. 6, line 54-62; col. 7, lines 7-15; col. 8, lines 53-62)*; and

wherein set of parameters for interpreting the messages, comprising configuration parameters of an application *(Fig. 2, DSCC 32A, DSCC 32B, DSCC 32C on each card)* running on at least one of the first and second routing units, are stored in at least one configuration file included in both said first and second routing units *(Fig. 2, col. 2, lines*

*3-24; col.3, lines 19-67; col. 3, lines 1-25, 41-53; Fig. 6, the controller 28 deactivates the active feature card 46A and activates the standby feature card 46B, col. 5, line 65 – col. 6, line 1).*

8.      As to claim 18, Gomez discloses, wherein said first and second routing units have identical functions and include identical software and configuration files *(Fig. 2, col. 2, lines 3-24; col.3, lines 19-67; col. 3, lines 1-25, 41-53; col. 5, line 65 – col. 6, line 15).*

9.      As to claim 19, Gomez discloses, further comprising at least one serial link connecting said first and second routing units to at least one other system *(Figs. 2, 3, to Framers 34).*

10.     As to claim 20, Gomez discloses, wherein said at least one serial link comprises at least one Y-split parallel cable *(Fig. 3, "three-way switch").*

11.     As to claim 21, Gomez discloses, when said first routing unit detects a failure in itself, said first routing unit is configured to deactivate itself to cease managing said input and output data and allow said second routing unit to start managing said input and output data *(Gomez, Figs. 2, 6, col. 3, lines 19-67; col. 5, line 58 – col. 6, line 28).*

12.     Claim 39 is corresponding system in means plus function of claim 17; therefore, it is rejected under the same rationale as in claim 17.

13.     Claims 40-41 introduce identical limitations of claims 19, 21; therefore, they are rejected under the same rationale as in claims 19, 21.

14.     As to claim 43, Gomez-Moore discloses, the messages themselves, at least one

transmission interval between the messages, and at least one time limit between two

messages *(Gomez, Figs. 2, 6, col. 3, lines 19-67; col. 5, line 58 – col. 6, line 28)*.

15.     Claim 44 has similar limitations of claim 43; therefore, it is rejected under the

same rationale as in claim 43.

### *claim Rejections - 35 USC § 103*

16.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

17.     Claims 22-38, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Gomez** as applied to claims 17-21 above, and further in view of **Moore** US patent

# **5,475,846**.

18.     As to claim 22, Gomez does not explicitly disclose, a change in an impedance of

at least one input/output serial port.

In the same field of endeavor, Moore, discloses a change in an impedance of at

least one input/output serial port *(Moore, claims 1, 5, 8, 9)*.

Accordingly, it would have been obvious to one of ordinary skill in the networking

art at the time the invention was made to have incorporated Moore's teachings of

change in I/O serial port *(Moore, claims 1, 5, 8, 9)* with the teachings of Gomez, for the

purpose of *sharing of interrupts between devices (Moore, Abstract, col. 3, lines 1-7)*.

19.     As to claim 23, Gomez-Moore discloses, wherein the change in impedance imparts putting said at least one input/output serial port in a high impedance state *(Moore, Abstract; claims 1, 5, 8, 9).*

20.     As to claim 24, Gomez-Moore discloses, wherein said second routing unit deactivates said first routing unit by sending a reset command *(Gomez, BRD_RESET_L)* to said first routing unit via the standby bus, said reset command executing a reset algorithm on said first routing unit *(Gomez, Fig. 5, col. 5, lines 44-57).*

21.     As to claim 25, Gomez-Moore discloses, wherein the messages are polling messages that are exchanged via said network and standby bus interfaces, said polling messages carrying information relevant to detecting said failure *(Gomez, Fig. 6, col. 5, line 58 – col. 6, line 28).*

22.     As to claim 26, Gomez-Moore discloses, wherein said second routing unit detects said failure of said first routing unit when said polling messages are not properly responded to on at least one of said network and standby bus interfaces *(Gomez, Fig. 6, col. 5, line 58 – col. 6, line 28).*

23.     As to claim 28, Gomez-Moore discloses, wherein, when launching an application on said first and second routing units, the set of parameters *(Gomez, Fig. 3, control registers 43)* appropriate to said application is loaded into a random access memory (RAM) *(Gomez, Fig. 3, control registers 43, col. 5, lines 1-9).*

24.     As to claim 29, Gomez-Moore discloses, wherein said network interface links said first and second routing units with at least one remote client system *(Gomez, Fig. 1, the packets sent out to the LAN/WAN 32 reaching the clients, col. 3, lines 1-11).*

25.    As to claim 30, Gomez-Moore discloses, wherein said network interface is the

Internet *(Gomez, Fig. 1, WAN 32 or ISP providing Internet service to users, col. 2, lines*

*20-24; col. 3, lines 1-11).*

26.    As to claim 31, Gomez-Moore discloses, wherein said network interface is an

Ethernet network *(Gomez, Fig. 1, LAN 32; col. 3, lines 1-11).*

27.    As to claim 32, Gomez-Moore discloses, wherein said network interface is a

digital local area network (LAN) *(Gomez, Fig. 1, LAN 32; col. 3, lines 1-11).*

28.    As to claim 33, Gomez-Moore discloses, wherein said first and second routing

units operate in Open Communication Processor (OCP) mode *(Gomez, Fig. 1, open*

*communications, LAN/WAN 32, PSTN 14, col. 2, lines 20-24; col. 3, lines 1-10).*

29.    As to claim 34, Gomez-Moore discloses, an alert protocol to warn of a possible

failure of the system *(Gomez, a failure is detected anywhere in the system, col. 2, lines*

*12-24).*

30.    As to claim 35, Gomez-Moore discloses, wherein said first and second routing

units are data routers *(Gomez, Figs. 1, 2, routers 12).*

31.    As to claim 36, Gomez-Moore discloses, wherein said first and second routing

units are data servers *(Gomez, router 12 serving routing data packets functioned as*

*data server, Figs. 1,2).*

32.    As top claim 37, Gomez-Moore discloses, wherein, after said second routing unit

is activated and starts managing input and output data, said first routing unit is

configured to detect a failure of said second routing unit *(Gomez, Figs. 2, 6, col. 3, lines*

*19-67; col. 5, line 58 – col. 6, line 28).*

33.     As to claim 38, Gomez-Moore discloses, wherein, when said first routing unit

detects a failure in itself, said first routing unit is configured to deactivate itself to cease

managing said input and output data and allow second routing unit to start managing

said input and output data *(Gomez, Figs. 2, 6, col. 3, lines 19-67; col. 5, line 58 – col. 6,*

*line 28).*

34.     Claim 42 introduces identical limitation of claim 25; therefore, it is rejected under

the same rationale as in claim 25.

35.     Further references of interest are cited on Form PTO-892, which is an

attachment to this action.

## *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hai V. Nguyen
Examiner
Art Unit 2142

**ANDREW CALDWELL**
SUPERVISORY PATENT EXAMINER